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SHAWND W. FLEMING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Arturo Chairez

2 CDC No. V-55603

3 C.S.P. 3C03-

4
5 United States District Court
6 Northern District of California
7

8 Arturo Chairez

9 Petitioner

10 v.

11 M. Adams Warden

12 Respondent

CASE No. 07-5767-MHC

13
14 Motion to Reconsider its
15 Decision in Petitioner
16 Writ of Habeas Corpus
1718
19 Petitioner Arturo Chairez, Petitioner and
20 prisoner at Corcoran State Prison and in pro
21 se, filed a Habeas Corpus Writ untimely.22
23 Petitioner request to this Court to re-
24 consider its decision and grant Petitioner
25 to file Petition.26
27 Why Petitioner was untimely and the
28 challenges he faces on filing his Writ of
Habeas Corpus. Petitioner exposes the following
reasons:

1.- Petitioner is a citizen of Mexico.

2.- Petitioner does not speak English.

3.- Petitioner does not read or write English.

4.- Petitioner does not have any knowledge

- 1 of the legal system.
- 2 5.- Petitioner relied on his Attorney to file
- 3 his Writ of Habeas Corpus.
- 4 6.- Petitioner will show to this Court that
- 5 his Counsel failed to file Petitioners
- 6 Writ of Habeas Corpus. (See Exhibit "A"
- 7 in Motion for Extension of time July 16, 2007.)
- 8 7.- Petitioner didn't have the Clerks Transcripts,
- 9 Reporter Transcripts, Open Brief or Petition
- 10 Review.
- 11 8.- Without any legal Documents, its impossible
- 12 to file Petitioners Writ of Habeas Corpus
- 13 and comply with the timetable.
- 14 9.- On August 2007, Petitioner relied on The
- 15 Sixth District Appellant Program for
- 16 assistance and requested the Reporters trans-
- 17 cripts, Open Brief and Petition Review Brief
- 18 in which those documents were sent to
- 19 Petitioner by the staff Attorney after
- 20 due time had expired.
- 21 10.- Petitioner couldn't understand the Docks
- 22 sent by this Court. This is why Petitioner
- 23 couldn't comply with the requisit of this
- 24 Honorable Court.

25

26 Petitioner was never notified to explain

27 his delay on his Writ of Habeas Corpus.

28

1 Petitioner requests to this Court to Recon-
2 sider its Decision and Grant Petitioner
3 Relief in this Petition.

4
5 Verification

6
7 I Arturo Chairez, Declare under Penalty
8 of Perjury that:

9 I am the Petitioner in the above entitled
10 action. I have read the foregoing documents
11 and know the contents thereof and the
12 same is true of my own knowledge, except
13 as the matters stated therein upon infor-
14 mation, and belief, and as to those matters,
15 I believe them to be true.

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18 Date 30/07/08

Arturo Chairez

19 Declarant / Prisoner
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EXHIBIT

A

LAW OFFICE OF
ERIC S. MULTHAUP
A PROFESSIONAL CORPORATION

20 SUNNYSIDE AVE., SUITE A
MILL VALLEY, CA 94941
TELEPHONE: 415-821-6000
FAX: 415-389-0865
EMAIL: mullew@pacbell.net

CERTIFIED SPECIALIST,
APPELLATE LAW
BY THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

August 7, 2006

Arturo Chairez
V-55603; 3C03-131U
California State Prison Corcoran
PO Box 3471
Corcoran, CA 93212

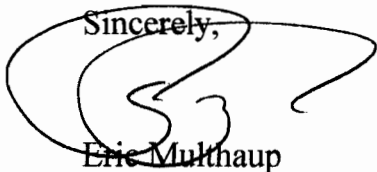
Re: Habeas Corpus Proceedings

Dear Mr. Chairez:

I received your letter of July 30, 2006 and have the following suggestion. I will fill out the Federal Habeas Corpus form for you and send it to you to sign and send on to the Federal Court, along with an application for appointment of counsel. That will get the Federal Habeas Corpus proceedings going with the goal of obtaining a new trial for you.

Regarding the transcripts, I suggest that you send them to your family for safe keeping. If that is not practical, you can send them back to me, and I will store them. If the Federal Court does appoint a lawyer to assist you in the Federal Habeas Corpus proceeding, I will send the transcripts to that lawyer.

Sincerely,

A handwritten signature in black ink, appearing to be 'ES' or 'E. S.', enclosed within a large, loopy oval shape.

Eric Multhaup

